

Congress of the United States
Washington, DC 20515

December 22, 2020

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Ave, SW
Washington, DC 20250

Dear Secretary Perdue,

We write today to urge you to alter the guidance “P-EBT Assistance for Children in Schools that are Closed or have Reduced Attendance” issued by the U.S. Department of Agriculture Food and Nutrition Service’s (USDA) on November 16th, 2020, particularly as it pertains to allowing states to address gaps in access to Pandemic EBT (P-EBT) from the Spring of 2020 by issuing allotments for the 2019-2020 school year to eligible beneficiaries.

USDA’s published guidance and Q&A about P-EBT does not allow states to offer amendments to their P-EBT plans for the 2019-2020 school year, meaning that states cannot provide benefits to households that should have received P-EBT for missed school days this past spring but were left out of state plans or did not apply in time. This is devastating for children in states that relied on applications with short availability windows to reach eligible students, or where certain student populations were left out of state plans for last school year. States established P-EBT programs quickly and heroically last spring and summer, but not without challenges and significant gaps in access. The flexibility to amend state plans for 2019-2020 will allow states to apply the lessons of the first round of this program to last school year in order to address gaps in access and ensure nutrition benefits reach all the eligible students they were intended to support.

This guidance goes against congressional intent. The Continuing Resolution did not specify that benefits could only be distributed for the 2020-2021 school year, and it specifically allows for states to adapt and issue benefits for periods they did not previously plan to cover. Therefore, there is no statutory reason for USDA to halt the issuance of benefits to eligible families from the 2019-2020 school year. The current guidance allows the issuance of P-EBT for spring closures to households that did not receive them due to state error, making the USDA’s decision to disallow states from issuing benefits to eligible children who were missed in the 2019-2020 school year appear to be an arbitrary distinction.

The current guidance is also inequitable; it hurts children in states that had more challenging enrollment processes, less established centralized student data infrastructure, or that required applications for large populations to access the benefit.

Finally, this guidance limits needed relief for families, harming the health and wellbeing of our communities while also slowing economic recovery. P-EBT has provided a crucial influx of resources for families struggling during the pandemic. Most families that received P-EBT spent the funds almost immediately, keeping them flowing through local economies and generating additional economic activity while relieving pressures on household budgets, thusly helping families afford healthy food, pay late bills, and stay housed. Programs like this are crucial to economic recovery, which is so desperately needed during this time of crisis in our nation. Keeping those funds in the federal coffers instead of ensuring they get to the struggling families who qualify for them only slows economic recovery and leaves more households struggling to make ends meet and feed their children as they navigate remote learning.

Given the foregoing, we urge you to reconsider and revise the P-EBT guidance issued on Nov. 16th, 2020 to better fit the intent of Congress, address the needs of American children and families, and allow states to provide needed food assistance to children who were eligible but not able to access school year 2019-2020 benefits before September 30, 2020.

We appreciate your immediate consideration of this urgent matter.

Sincerely,



Joe Neguse
Member of Congress



Kim Schrier, MD
Member of Congress

Marcia L. Fudge
Member of Congress

Angie Craig
Member of Congress

Nanette Diaz Barragán
Member of Congress

Chellie Pingree
Member of Congress

Mark Pocan
Member of Congress

Gwen Moore
Member of Congress

Barbara Lee
Member of Congress

Zoe Lofgren
Member of Congress

Ed Perlmutter
Member of Congress

Jimmy Panetta
Member of Congress

Dina Titus
Member of Congress

Joyce Beatty
Member of Congress

Betty McCollum
Member of Congress

Susie Lee
Member of Congress

Juan Vargas
Member of Congress

Steve Cohen
Member of Congress

Ed Case
Member of Congress

Jason Crow
Member of Congress

Susan A. Davis
Member of Congress

Alan Lowenthal
Member of Congress

Frederica S. Wilson
Member of Congress

Marcy Kaptur
Member of Congress

Ann McLane Kuster
Member of Congress

Doris Matsui
Member of Congress

Adam Smith
Member of Congress

Tony Cárdenas
Member of Congress

Mary Gay Scalon
Member of Congress

Alcee L. Hastings
Member of Congress

Tim Ryan
Member of Congress

Mark DeSaulnier
Member of Congress

Al Lawson, Jr.
Member of Congress

Ro Khanna
Member of Congress

Emanuel Cleaver, II
Member of Congress

Steven Horsford
Member of Congress